

Redraft Proposal
Limits on Prescribing Opioids Common Provision

1 **12-30-109. [Formerly 12-36-117.6.] Prescribing opioids - limitations - definition**
2 **- repeal.** (1) (a) ~~A physician or physician assistant~~ AN OPIOID PRESCRIBER shall not
3 prescribe more than a seven-day supply of an opioid to a patient who has not had an opioid
4 prescription in the last twelve months by that ~~physician or physician assistant~~ OPIOID
5 PRESCRIBER, and may exercise discretion to include a second fill for a seven-day supply. The
6 limits on initial prescribing do not apply if, in the judgment of the ~~physician or physician~~
7 ~~assistant~~ OPIOID PRESCRIBER, the patient:

8 (I) Has chronic pain that typically lasts longer than ninety days or past the time of
9 normal healing, as determined by the ~~physician or physician assistant~~ HEALTH CARE
10 PROFESSIONAL WITH PRESCRIPTIVE AUTHORITY, or following transfer of care from another
11 ~~physician or physician assistant~~ OPIOID PRESCRIBER who prescribed an opioid to the patient;

12 (II) Has been diagnosed with cancer and is experiencing cancer-related pain;

13 (III) Is experiencing post-surgical pain that, because of the nature of the procedure,
14 is expected to last more than fourteen days; or

15 (IV) Is undergoing palliative care or hospice care focused on providing the patient
16 with relief from symptoms, pain, and stress resulting from a serious illness in order to
17 improve quality of life.

18 (b) Prior to prescribing the second fill of any opioid prescription pursuant to this
19 section, ~~a physician or physician assistant~~ AN OPIOID PRESCRIBER must comply with the
20 requirements of section ~~12-42.5-404 (3.6)~~ **12-280-404 (4)**. Failure to comply with section
21 ~~12-42.5-404 (3.6)~~ **12-280-404 (4)** constitutes unprofessional conduct OR GROUNDS FOR
22 DISCIPLINE, AS APPLICABLE, under section ~~12-36-117~~ **12-220-130, 12-240-121, 12-255-120,**
23 **12-275-120, 12-290-108, OR 12-315-112**, AS APPLICABLE TO THE PARTICULAR OPIOID
24 PRESCRIBER, only if the ~~physician or physician assistant~~ OPIOID PRESCRIBER repeatedly fails
25 to comply.

26 (2) ~~A physician or physician assistant~~ AN OPIOID PRESCRIBER licensed pursuant to
27 ~~this article 36~~ ARTICLE 220, 240, 255, 275, 290, OR 315 OF THIS TITLE 12 may prescribe
28 opioids electronically.

29 (3) A violation of this section does not create a private right of action or serve as the
30 basis of a cause of action. A violation of this section does not constitute negligence per se
31 or contributory negligence per se and does not alone establish a standard of care.
32 Compliance with this section does not alone establish an absolute defense to any alleged
33 breach of the standard of care.

34 (4) AS USED IN THIS SECTION, "OPIOID PRESCRIBER" MEANS:

- 1 (a) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF THIS TITLE 12;
2 (b) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT TO ARTICLE 240 OF
3 THIS TITLE 12;
4 (c) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE AUTHORITY PURSUANT TO
5 SECTION 12-255-112;
6 (d) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF THIS TITLE 12;
7 (e) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF THIS TITLE 12; OR
8 (f) A VETERINARIAN LICENSED PURSUANT TO ARTICLE 315 OF THIS TITLE 12.
9 ~~(4)~~ (5) This section is repealed, effective September 1, 2021.

Note: We will modify the following sections in the dental, medical, nurse, optometrist, podiatrist, and veterinary practice acts to refer to this common provision:

12-32-107.5 (3) - podiatrists
12-35-114 (2) - dentists
12-36-117.6 - physicians & PAs
12-38-111.6 (7.5) - APNs
12-40-109.5 (4) - optometrists
12-64-127 - vets